

## SCHEDULES

### SCHEDULE 1

Section 85.

#### SECTIONS SUBSTITUTED FOR SECTIONS 3 AND 6 OF MERCHANT SHIPPING (SAFETY CONVENTION) ACT 1949

##### “3 Radio rules.

- (1) The Board of Trade may make rules (in this Act called " radio rules ") requiring ships to which this section applies to be provided with radio equipment of such a nature (but not including a radio navigational aid) as may be prescribed by the rules and to maintain such a radio service and to carry such number of radio officers or operators, of such grades and possessing such qualifications, as may be so prescribed ; and the rules may contain provisions for preventing so far as practicable electrical interference by other apparatus on board with the equipment provided under the rules.
- (2) This section applies to—
  - (a) sea-going ships registered in the United Kingdom ;
  - (b) other sea-going ships while they are in the United Kingdom or the territorial waters thereof.
- (3) Radio rules shall include such requirements as appear to the Board of Trade to implement the provisions of the Convention for the Safety of Life at Sea signed in London on 17th June 1960 as from time to time amended, so far as those provisions relate to radio telegraphy and radio telephony.
- (4) Without prejudice to the generality of the preceding provisions of this section, radio rules may—
  - (a) prescribe the duties of radio officers and operators, including the duty of keeping a radio log-book ;
  - (b) apply to any radio log-book required to be kept under the rules any of the provisions of any regulations with respect to official log-books made under section 68 of the Merchant Shipping Act 1970.
- (5) If any radio officer or operator contravenes any rules made in pursuance of subsection (4)(a) of this section, he shall be liable to a fine not exceeding £10 ; and if radio rules are contravened in any other respect in relation to any ship, the owner or master of the ship shall be liable on conviction on indictment to a fine not exceeding £500, or on summary conviction to a fine not exceeding £100.
- (6) If a ship to which this section applies is not provided with radio equipment or radio officers or operators in conformity with radio rules the ship, if in the United Kingdom, may be detained.”

##### “6 Radio navigational aids.

- (1) The Board of Trade may make rules—

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- (a) requiring ships to which this section applies to be provided with such radio navigational aids, other than direction finders, as may be specified in the rules and prescribing requirements which such radio navigational aids are to comply with ;
- (b) prescribing requirements which radio navigational aids, other than direction-finders and other than such as are provided in pursuance of rules made under the preceding paragraph, are to comply with when carried in ships to which this section applies ;
- (c) prescribing requirements which apparatus designed for the purpose of transmitting or reflecting signals to or from radio navigational aids is to comply with if it is apparatus in the United Kingdom or apparatus off the shores of the United Kingdom but maintained from the United Kingdom ;

and the requirements prescribed under paragraph (a) or (b) of this subsection may include requirements relating to the position and method of fitting of the radio navigational aids.

- (2) This section applies to—
  - (a) ships registered in the United Kingdom ;
  - (b) other ships while they are within any port in the United Kingdom.
- (3) If a ship to which this section applies proceeds, or attempts to proceed, to sea without carrying such navigational aids as it is required to carry by rules made under subsection (1) of this section or carrying radio navigational aids not complying with rules made under that subsection, the owner or master of the ship shall be liable on summary conviction to a fine not exceeding £100.
- (4) If any person establishes or operates any such apparatus as is mentioned in subsection (1)(c) of this section and the apparatus does not comply with rules made thereunder, he shall be liable on summary conviction to a fine not exceeding £100.”

## SCHEDULE 2

Section 95.

### FISHING VESSELS

#### PART I

##### ADDITIONAL PROVISIONS

###### *Regulations relating to crew agreements*

- 1 (1) The Board of Trade may make regulations prescribing the procedure to be followed in connection with the making of crew agreements between persons employed in fishing vessels and persons employing them and prescribing the places where such crew agreements are to be made or where an agreement with any person may be added to those contained in such a crew agreement.
- (2) Regulations under this paragraph may make a contravention of any provision thereof an offence punishable on summary conviction with a fine not exceeding £50 or such less amount as may be specified in the regulations.

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### *Offences*

- 2
- (1) For the purpose of maintaining discipline on board fishing vessels and ensuring the safe and efficient operation of such vessels the Board of Trade may by regulations specify any misconduct on board of or in relation to a fishing vessel which, but for section 95(1)(a) of this Act, would be an offence under section 29, 30 or 31 thereof, and provide for its being an offence punishable on summary conviction with a fine not exceeding £100 or such less amount as may be specified in the regulations.
  - (2) Regulations under this paragraph may apply section 32 of this Act with such modifications as may be required to substitute in it for the reference to section 29, 30(b) and 30(c) of this Act a reference to the corresponding provisions of the regulations.
  - (3) Regulations under this paragraph may make different provision for different descriptions of fishing vessel or fishing vessels of the same description in different circumstances.
  - (4) No regulations shall be made under this paragraph unless a draft thereof has been laid before Parliament and approved by resolution of each House of Parliament.

### *Production of certificates and other documents of qualification*

- 3
- Any person serving or engaged to serve in a fishing vessel and holding any certificate or other document which is evidence that he is qualified for the purposes of section 43 of this Act shall on demand produce it to any person who is a British sea-fishery officer for the purposes of the Sea Fisheries Acts (within the meaning of the Sea Fisheries Act 1968); and if he fails to do so without reasonable cause he shall be liable on summary conviction to a fine not exceeding £20.

### *Hours of work*

- 4
- (1) The Board of Trade may make regulations prescribing maximum periods of duty and minimum periods of rest for seamen employed in fishing vessels, and such regulations may make different provision for different descriptions of fishing vessels or seamen employed in them or for fishing vessels and seamen of the same description in different circumstances.
  - (2) If any provision of regulations made under this paragraph is contravened in the case of any seaman employed in a fishing vessel the persons employing him and the master shall each be liable on summary conviction to a fine not exceeding £100.

### *Reports of and inquiries into injuries*

- 5
- (1) Where the master or a member of the crew of a fishing vessel is injured during a voyage, an inquiry into the cause and nature of the injury may be held by a superintendent or proper officer.
  - (2) The superintendent or proper officer holding an inquiry under this section shall for the purposes of the inquiry have the powers conferred on an inspector by section 729 of the Merchant Shipping Act 1894 and shall make a report of his findings to the Board of Trade.

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## PART II

### SECTIONS 7 AND 8 SET OUT AS THEY APPLY TO FISHING VESSELS AND PERSONS EMPLOYED IN THEM

- 7        Except as provided by or under this Act or any other enactment, the wages due to a seaman under a crew agreement relating to a fishing vessel shall be paid to him in full.
- 8        (1) Subject to regulations made under section 9 or 62 of this Act, the persons employing any seaman under a crew agreement relating to a fishing vessel shall deliver to him at a time prescribed by regulations under this section an account of the wages due to him under that crew agreement and of the deductions subject to which the wages are payable.
- (2) Where the wages of any person employed in a fishing vessel are in any manner related to the catch the persons employing him shall at a time prescribed by regulations under this section deliver to the master an account (or, if the master is the person employing him, make out an account) showing how those wages (or any part thereof related to the catch) are arrived at and shall make the account available to the crew in such manner as may be prescribed by the regulations.
- (3) Where there is a partnership between the master and any members of the crew of a fishing vessel the owner of the vessel shall at a time prescribed by regulations under this section make out an account showing the sums due to each partner in respect of his share and shall make the account available to the partners.
- (4) The Board of Trade may make regulations prescribing the time at which any account required by this section is to be delivered or made out and the manner in which the account required by subsection (2) or (3) of this section is to be made available.
- (5) If a person fails without reasonable cause to comply with the preceding provisions of this section he shall be liable on summary conviction to a fine not exceeding £20.

## SCHEDULE 3

Section 100.

### MINOR AND CONSEQUENTIAL AMENDMENTS

#### *The Conspiracy and Protection of Property Act 1875*

- 1        For section 16 of the Conspiracy and Protection of Property Act 1875 there shall be substituted the following section:—

“**16**    Section 5 of this Act does not apply to seamen.”

#### *The Merchant Shipping Act 1894*

- 2        In subsection (1) of section 689 of the Merchant Shipping Act 1894 for the words " seaman or apprentice ", in both places, there shall be substituted the words " or seaman ".
- 3        In subsection (1) of section 695 of that Act, after the words " shall be evidence" there shall be inserted the words " and in Scotland sufficient evidence " ; and in subsection (2) of that section, after the words "admissible in evidence" there shall

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be inserted the words " and be evidence, and in Scotland sufficient evidence, of those matters ".

- 4 In section 742 of that Act, in the definition of " seaman ", for the words " masters, pilots and apprentices duly indentured and registered " there shall be substituted the words " masters and pilots ".

*The Pilotage Act 1913*

- 5 In section 17(1)(l) of the Pilotage Act 1913 for the words from " a mate's certificate " to " 1894 " there shall be substituted the words " such certificate issued under the Merchant Shipping Act 1970 as may be specified in the byelaws ".
- 6 In paragraph (b) of the proviso to section 23(1) of that Act for the words from " a mate's certificate " to " 1894 " there shall be substituted the words " such certificate issued under the Merchant Shipping Act 1970 as is specified in the byelaw " and for the words " such a certificate of competency " there shall be substituted the words " a certificate so specified ".
- 7 In section 25 of that Act for the words "certificates of competency recognised under Part II of the Merchant Shipping Act 1894 " there shall be substituted the words " certificates issued under the Merchant Shipping Act 1970 ".

*The Illegal Trawling (Scotland) Act 1934*

- 8 In section 1(6) of the Illegal Trawling (Scotland) Act 1934 for the words " at each mercantile marine office " there shall be substituted the words " at the office of each mercantile marine superintendent ".

*The Pensions (Navy, Army, Air Force and Mercantile Marine) Act 1939*

- 9 In section 6(3) of the Pensions (Navy, Army, Air Force and Mercantile Marine) Act 1939, for the words from " section one hundred and seventy-six " to " deceased seamen " there shall be substituted the words " section 66 of the Merchant Shipping Act 1970 (disposal of property of deceased seamen) ".

*The Merchant Shipping Act 1964*

- 10 For subsection (2) of section 10 of the Merchant Shipping Act 1964 there shall be substituted the following subsection—
- “(2) Subsection (6) of section 3 of the Act of 1949 (detention of ships not conforming with radio rules) shall apply in relation to the portable radio apparatus so required to be carried by the boats or life rafts on any ship as it applies in relation to the radio equipment of the ship.”

*The Administration of Estates (Small Payments) Act 1965*

- 11 In section 6 of the Administration of Estates (Small Payments) Act 1965 there shall be added at the end of subsection (1)(b) the words “and
- (c) section 66(2) of the Merchant Shipping Act 1970”.

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*The Merchant Shipping (Load Lines) Act 1967*

- 12 In section 10(2) of the Merchant Shipping (Load Lines) Act 1967, paragraph (a) shall be omitted, and in paragraph (b) for the words from " in such form " to the end of the paragraph there shall be substituted the words " to be posted up in some conspicuous place on board the ship, which shall be in such form and containing such particulars relating to the depth to which the ship is for the time being loaded as may be specified in regulations made by the Board of Trade under this Act; ".

*The Hovercraft Act 1968*

- 13 The enactments and instruments with respect to which provision may be made by an Order in Council under section 1(1)(h) of the Hovercraft Act 1968 shall include this Act and any instrument made under it.

*The Income and Corporation Taxes Act 1970*

- 14 In section 414(1) of the Income and Corporation Taxes Act 1970 the word " or" shall be added at the end of paragraph (a), and paragraph (c) and the word " or " preceding it shall be omitted.

SCHEDULE 4

Section 100.

SAVINGS AND TRANSITIONAL PROVISIONS

- 1 The repeals made by this Act shall not be taken to extend to any country outside the United Kingdom and shall not affect any Order in Council providing for the extension of any enactments to any country outside the United Kingdom or any power to vary or revoke such an Order in Council.
- 2 The repeal by this Act of sections 145 and 146 of the Merchant Shipping Act 1894 shall not affect the operation, in relation to a seaman's money order issued before the coming into force of the repeal, of regulations under section 145(2) or of section 146.
- 3 The repeal by this Act of sections 148 to 153 of the Merchant Shipping Act 1894 shall not affect the operation of those sections in relation to any deposit received under section 148 before the coming into force of the repeal; but the Board of Trade may by regulations make provision for the repayment of such deposits within such period as may be specified by or under the regulations and for the transfer to the National Savings Bank of any deposit not repaid before the end of that period.
- 4 The repeal by this Act of section 254 of the Merchant Shipping Act 1894 shall not affect the operation of that section in relation to any return made under it and any marine register book kept under that section shall be treated as part of a marine register kept under section 72 of this Act.
- 5 Any licence granted under section 110 of the Merchant Shipping Act 1894 shall have effect as if granted under section 6 of this Act.
- 6 Any regulations made under section 1 of the Merchant Shipping Act 1948 shall have effect as if made under section 20 of this Act.
- 7 Any reference in regulations made under section 1 of the Merchant Shipping Act 1965 to regulations made under section 1 of the Merchant Shipping Act 1948 shall

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- be construed as including a reference to regulations made under section 20 of this Act.
- 8 The references in section 57 of this Act to an inquiry or formal investigation held under this Act shall be construed as including references to an inquiry or formal investigation held under section 466, 468 or 471 of the Merchant Shipping Act 1894.
- 9 The references in section 60 of this Act to a certificate which has been cancelled or suspended under this Act shall be construed as including references to a certificate which has been cancelled or suspended under the provisions repealed by this Act.
- 10 For the purposes of section 87 of this Act the registration of any design under Part II of the Patents and Designs Act 1907 shall be deemed to be a registration under the Registered Designs Act 1949.

SCHEDULE 5

Section 100.

ENACTMENTS REPEALED

Chapter	Short Title	Extent of Repeal
57 & 58 Vict. c. 60.	The Merchant Shipping Act 1894.	<p>In section 19, the words from " each " to " cause " .</p> <p>In section 85(3), the words " in the ship's official log book, and also " .</p> <p>Part II.</p> <p>Sections 268 to 270.</p> <p>Section 271(3).</p> <p>Sections 289 to 355.</p> <p>In section 356, paragraph (a).</p> <p>Sections 357 and 358.</p> <p>Section 359(2).</p> <p>In section 360, subsections (1) and (2).</p> <p>Sections 361 and 362.</p> <p>In section 363, the words " or emigrant ship " .</p> <p>Sections 364 and 365.</p> <p>Section 369.</p> <p>In section 370, in the definition of " fishing boat ", the words from " but " to " profit" and the definitions of</p>

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Chapter	Short Title	Extent of Repeal
		<p>" second hand " and " voyage "</p> <p>Section 371.</p> <p>Sections 376 to 417.</p> <p>Section 423.</p> <p>Sections 425 and 426.</p> <p>Section 436(3).</p> <p>In section 458(1), the words from " and in every " to " on board any ship ".</p> <p>In section 463, the words " or apprentice" wherever they occur.</p> <p>Part VI except section 478 and sections 487 to 490.</p> <p>In section 487(3), the words from " by the local marine board " to " board ".</p> <p>Section 507.</p> <p>In section 676, in subsection (1), in paragraph (b), the words " Second and " and the words from " including " to the end of the paragraph, and paragraphs (d) and (f).</p> <p>In section 677, paragraph (a), in paragraph (b) the words from " and the remuneration " to the end of the paragraph, and paragraph (e).</p> <p>Section 690.</p> <p>In section 714, the words " local marine boards and ".</p> <p>In section 716, the words " Second, Fourth and ".</p> <p>In section 721, the word " Second ".</p> <p>In section 722, subsection (2) (a).</p> <p>Section 725.</p>



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Chapter	Short Title	Extent of Repeal
6 Edw. 7. c. 48.	The Merchant Shipping Act 1906.	In section 745(1)(b), the words " savings bank or ". Schedules 5 to 8. Sections 9 and 12. Section 14. In section 16(1), the words "whether cabin or steerage passengers ". Sections 17 to 20. Sections 23 and 24. Parts III and IV. Sections 56 to 68. Section 74. Section 81. Section 82(1). Schedule 1.
1 & 2 Geo. 5. c. 8.	The Merchant Shipping (Seamen's Allotment) Act 1911.	The whole Act.
4 & 5 Geo. 5. c. 42.	The Merchant Shipping (Certificates) Act 1914.	The whole Act.
9 & 10 Geo. 5. c. 62.	The British Mercantile Marine Uniform Act 1919.	The whole Act.
9 & 10 Geo. 5. c. 92.	The Aliens Restriction (Amendment) Act 1919.	Section 5.
10 & 11 Geo. 5. c. 65.	The Employment of Women, Young Persons and Children Act 1920.	In section 1, subsections (2) and (5), and in subsection (6) the sub - paragraph beginning " This section, so far as it relates to employment in a ship" and, in the sub-paragraph following it, the words " or in any ship " and paragraphs (b) and (d). Schedule, Part IV.
13 & 14 Geo. 5. c. 4.	The Fees (Increase) Act 1923.	In section 2, subsection (1) (b) and (c), the word " or " preceding subsection (1)(b) and subsections (2) and (4).
13 & 14 Geo. 5. c. 40.	The Merchant Shipping Acts (Amendment) Act 1923.	The whole Act.

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Chapter	Short Title	Extent of Repeal
15 & 16 Geo. 5. c. 42.	The Merchant Shipping (International Labour Conventions) Act 1925.	The whole Act.
24 & 25 Geo. 5. c. 18.	The Illegal Trawling (Scotland) Act 1934.	In section 6 the words "mercantile marine office".
1 & 2 Geo. 6. c. 4.	The Merchant Shipping (Superannuation Contributions) Act 1937.	The whole Act.
1 & 2 Geo. 6. c. 30.	The Sea Fish Industry Act 1938.	Part IV.
9 & 10 Geo. 6. c. 26.	The Emergency Laws (Transitional Provisions) Act 1946.	In Schedule 2, the entry relating to the Merchant Shipping Act 1894.
11 & 12 Geo. 6. c. 10.	The Emergency Laws (Miscellaneous Provisions) Act 1947.	Section 2(2).
11 & 12 Geo. 6. c. 44.	The Merchant Shipping Act 1948.	The whole Act.
12 & 13 Geo. 6. c. 29.	The Consular Conventions Act 1949.	Section 5(1).
12 & 13 Geo. 6. c. 43.	The Merchant Shipping (Safety Convention) Act 1949.	Section 2(3). In section 5(2) the words "being ships of sixteen hundred tons gross tonnage or upwards". Section 18(5). Section 19(1)(d). In section 22, subsections (6) and (7).
14 Geo. 6. c. 9.	The Merchant Shipping Act 1950.	Sections 1 to 3. Section 6. Schedules 1 and 2.
15 & 16 Geo. 6. and 1 Eliz. 2. c. 14.	The Merchant Shipping Act 1952.	The whole Act.
1 & 2 Eliz. 2. c.20.	The Births and Deaths Registration Act 1953.	Section 13(3).
1 & 2 Eliz. 2. c. 47.	The Emergency Laws (Miscellaneous Provisions) Act 1953.	Section 4.
1963 c. 49.	The Contracts of Employment Act 1963.	Section 6(2)(b).

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Chapter	Short Title	Extent of Repeal
1964 c. 47.	The Merchant Shipping Act 1964.	Section 11.
1965 c.19 (N.I.).	The Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965.	Section 6(1)(b).
1965 c. 32.	The Administration of Estates (Small Payments) Act 1965.	In Part I of Schedule 1, the entry relating to the Merchant Shipping Act 1894.
1966 c. 20.	The Ministry of Social Security Act 1966.	Section 37. In section 38, paragraph (c) and the word " and " preceding that paragraph. Schedule 5. In Schedule 6, paragraphs 1 and 2.
1966 c. 28 (N.I.).	The Supplementary Benefits &c. Act (Northern Ireland) 1966.	Section 41. Schedule 4.
1967 c. 25 (N.I.).	The Births and Deaths Registration Act (Northern Ireland) 1967.	Section 28(5).
1967 c. 26.	The Merchant Shipping Act 1967.	The whole Act.
1967 c. 27.	The Merchant Shipping (Load Lines) Act 1967.	In section 10, in subsection (1), paragraph (b) and the word " and " immediately preceding that paragraph, and in subsection (2), paragraph (a).
1968 c. 34 (N.I.).	The Children and Young Persons Act (Northern Ireland) 1968.	In Schedule 7, paragraphs 1 and 2.
1969 c. 48.	The Post Office Act 1969.	In Part III of Schedule 6 the entry relating to section 141 of the Merchant Shipping Act 1894.
1970 c. 10.	The Income and Corporation Taxes Act 1970.	In section 414, in subsection (1), paragraph (c) and the word " or " preceding that paragraph, and in subsection (7) the definition of " seamen's savings bank ".